

CITY OF REDMOND
RESOLUTION NO. 1343

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, EXPRESSING THE CITY COUNCIL'S INTENT TO ADOPT THE LAND DIVISION, TELECOMMUNICATIONS, AND PERFORMANCE ASSURANCE PACKAGE OF THE 2009-2011 REDMOND CODE REWRITE, DEVELOPMENT GUIDE AMENDMENT FILE NO. L090380, SUBJECT TO RECONCILIATION WITH THE REMAINDER OF THE PROJECT

WHEREAS, the Growth Management Act of 1990 (GMA) requires that the City of Redmond adopt a Comprehensive Plan and implementing regulations; and

WHEREAS, Ordinance No. 887, adopted on October 21, 1979, by the Redmond City Council established the Redmond Community Development Guide; and

WHEREAS, the Redmond Community Development Guide (RCDG) has been amended 291 times since its adoption; and

WHEREAS, in 2008 the City approved the 2009-2011 Redmond Code Rewrite project to rewrite the RCDG; and

WHEREAS, the mission of the Redmond Code Rewrite project is to create a zoning code that improves clarity, conciseness, predictability and usability for residents, development professionals and the business community; maintains the integrity of code concepts adopted over time by the City Council while utilizing new ideas where appropriate to achieve these

concepts; and, implements clearly and effectively the goals, visions and policies of the Comprehensive Plan; and

WHEREAS, the RCDG has been divided into topic-based packages of regulations to be considered during the Redmond Code Rewrite project; and

WHEREAS, the Land Division package includes regulations pertaining to all divisions of land within the City; and

WHEREAS, the Telecommunications package includes regulations pertaining to telecommunication facilities within the City; and

WHEREAS, the Performance Assurance package includes regulations pertaining to requirements for performance assurance within the city; and

WHEREAS, the Redmond Code Rewrite Commission conducted study sessions and public hearings to gather public input on the proposed Land Division, Telecommunications, and Performance Assurance package, and on August 23, 2010, completed its recommendation 4-1 that the Redmond City Council approve these regulations; and

WHEREAS, the Redmond City Council has considered the recommendations of the Redmond Code Rewrite Commission, and has held study sessions on the Land Division, Telecommunications, and Performance Assurance package; and

WHEREAS, the Land Division, Telecommunications, and Performance Assurance package is consistent with the adopted project mission and guiding principles, as well as the Redmond Comprehensive Plan, as required by the existing Redmond Community Development Guide; and

WHEREAS, the Redmond City Council must adopt the new Redmond Zoning Code as one complete package, which is expected to occur in spring 2011.


NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Mission Statement and Guiding Principle Consistency. After reviewing the proposed Land Division, Telecommunications, and Performance Assurance package, the City Council agrees that the regulations are consistent with the Redmond Code Rewrite project mission statement and guiding principles.

Section 2. Intent to Adopt. The City Council intends to adopt the proposed Land Division, Telecommunications, and Performance Assurance package, set forth in Exhibits A through C attached hereto and incorporated herein by this reference, subject to reconciliation with the remainder of the Redmond Code Rewrite project and SEPA review of the entire Redmond Code Rewrite project.

ADOPTED by the Redmond City Council this 1st day of
November, 2010.

CITY OF REDMOND


RICHARD COLE, MAYOR PRO TEM

ATTEST:


MICHELLE M. MCGEHEE, CMC, CITY CLERK

(SEAL)

FILED WITH THE CITY CLERK: October 27, 2010
PASSED BY THE CITY COUNCIL: November 1, 2010
EFFECTIVE DATE: November 1, 2010
RESOLUTION NO. 1342

ADOPTED 7-0: Allen, Carson, Cole, Margeson, Myers, Stilin and Vache

Exhibit A

LAND DIVISION

DEFINITIONS

"B" Definitions.

Binding Site Plan.

A drawing to a scale of no smaller than one inch equals 50 feet that:

- (1) Identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by local regulations;
- (2) Contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the City of Redmond; and
- (3) Contains provisions making any development be in conformity with the site plan.

Boundary Line Adjustment.

A division of land made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which does not conform to the requirements of this Title.

"D" Definitions.

Dedication.

The deliberate appropriation of land by an owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

"E" Definitions.

Electric Utility Facilities.

Unstaffed facilities, except for the presence of security personnel, that are used for or in connection with or to facilitate the transmission, distribution, sale, or furnishing of electricity including, but not limited to, electric power substations.

“F” Definitions.

Final Plat.

The final drawing of the subdivision and dedication prepared for filing for record with the King County Department of Records and Elections, and containing all elements and requirements set by the City of Redmond.

“N” Definitions.

New Customers of Electrical Utility Facility.

Electric service locations not already in existence as of the date that electric utility facilities are constructed pursuant to the land division exemption in 10-020(2)(e).

“P” Definitions.

Personal Wireless Facilities.

Unstaffed facilities that are used for the transmission or reception, or both, of wireless communications services, including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures.

Personal Wireless Services.

Any federally licensed personal wireless service.

Plat.

A map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other divisions and dedications. (Ord. 1901)

Preliminary Plat.

A neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision consistent with the requirements of the Development Guide. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.

"S" Definitions.

Short Plat.

The map or representation of a short subdivision.

Short Subdivision.

The division or redivision of land into nine or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.

Subdivision

The division or redivision of land into 10 or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.

"U" Definitions.

Unit Lot Subdivision

A division or redivision of land in which one or more boundaries of the individual lots coincide with the interior walls of a structure which separate individual attached single-family dwelling units.

10 GENERAL PROVISIONS

10-010 Purpose

The intent of this chapter is to:

- (1) Provide criteria, regulations, processes and standards to govern the division of land within the City;
- (2) Ensure that public facilities and services necessary to support development are adequate to serve the development at the time development occurs; and
- (3) Promote the public health, safety and general welfare in accordance with standards established by the state subdivision law, as set forth in RCW 58.17.010

10-020 Scope

- 1) Compliance. All division and re-division of land into lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership shall comply with the requirements of this chapter except where specifically exempted herein. Subdivisions, short subdivisions, binding site plans, boundary line adjustments, unit lot subdivisions, plat alterations, and plat vacations are all considered divisions or re-divisions of land for purposes of this chapter.
- 2) Exemptions. The following divisions of land are exempt from the provisions of this chapter except where expressly indicated.
 - (a) Cemeteries. Cemeteries and other burial plots, while used for that purpose;
 - (b) Testamentary Divisions. Divisions made by testamentary provisions, or the laws of descent; provided, that a map is recorded with King County Records and Elections at the time the land is divided and that all lots created must meet all requirements of this Title;
 - (c) Right-of-Way Acquisition and Condemnation.
 - (i) A division of land relating to the acquisition or exchange of land by public agencies, for public use except human occupancy, including but not limited to subdivisions made for road construction purposes;
 - (ii) A division of land for the sole use of the installation of linear utility facilities, such as electric power lines, telephone lines, water supply lines, sewer service lines, cable lines, or other utility facilities of a similar or related nature;

- (iii) Division of land due to condemnation or sale under threat thereof by an agency or division of government vested with the power of condemnation; if sale is made under threat of condemnation, such threat must be evidenced by the government agency filing an affidavit so stating with the King County Auditor;
- (d) A division for the purpose of leasing land for facilities providing personal wireless services while used for this purpose.
- (e) A division of land into lots or tracts of less than three acres that is recorded in accordance with chapter 58.09 RCW and is used or to be used for the purpose of establishing a site for construction and operation of consumer-owned or investor-owned electric utility facilities. This subsection does not exempt a division of land for electric utility facilities from any other provision of this Title. Furthermore, this subsection only applies to electric utility facilities that will be placed into service to meet the electrical needs of a utility's existing and new customers.

10-030 Compliance

All divisions of land shall comply with this Chapter and the provisions of the Redmond Zoning Code. Any portion of a lot that was used to calculate compliance of the lot with the standards of the Redmond Zoning Code or its predecessor, the Redmond Community Development Guide, shall not be subsequently subdivided or segregated from such lot or lots or sold or transferred separately from such lot or lots.

20 LAND DIVISION STANDARDS

20-010 Lot Standards.

- (1) All lots shall meet the site requirements of the zoning district in which they are located and shall be of sufficient size, dimension, design, and configuration so as to permit development of the lot without variance from the applicable zoning requirements.
- (2) Building Setback Lines. Where watercourses, topography, geology and soils, vegetation, utilities, lot configuration, or other unique circumstances dictate a different building envelope that that set forth in the site requirements for the zoning district in which the lot is located, building setback lines may be required to be shown on the land division instrument and observed in the development of the lot.
- (3) Future Subdivision of Lots. Where the subdivision or short subdivision will result in a lot one-half acre or larger in size which is likely to be further divided in the future, it may be required that the location of lot lines and other details of layout be such that future division may readily be made without violating the requirements of this section and without interfering with orderly extension and connection of adjacent streets.

20-020 Exceptions to Lot Standards.

- (1) Green Building and Green Infrastructure Incentive Program. The relaxation of certain development requirements may be authorized for a residential development proposed in compliance with RCDG 20C.30.57, Green Building and Green Infrastructure Incentive Program. The proposal must be consistent with the purpose and criteria set forth in RCDG 20D.180.10-010, Purpose, and RCDG 20D.180.20-010, Criteria for Approval of Subdivisions and Short Subdivisions. respectively.
- (2) Government Action. Parcels smaller than otherwise permitted by the Development Guide may be created through the action of governmental agencies including eminent domain and the splitting of a parcel by dedicated right-of-way. Wherever possible, such parcels shall be merged in title with adjacent lots to create lots in compliance with adjacent lots to create lots in compliance with the Development Guide.
- (3) Lots for Building Pads. In industrial, businesspark, mixed-use, and multi-family residential zones, lots with boundaries coterminous or nearly so with building walls may be created. The standards that normally would apply to such lots shall apply instead to the project tract of which such lots are a part.

20-030 Easements.

- (1) Public and private easements for the construction and maintenance of water, sewer, storm drainage, and other utilities and public and private facilities shall be granted to provide and maintain adequate utility service to each lot and adjacent lands. Public easements shall be a minimum of 20 feet in width unless the City determines a smaller or larger width is appropriate based on site conditions. Private utility easements shall be a minimum of 10 feet in width unless the City determines a smaller or larger width is appropriate based on site conditions.
- (2) Whenever possible, public utility easements shall be located along the centerlines of the utilities or facilities and shall be combined with driveways, pedestrian accessways, and other utility easements, and shall connect with off-site easements on adjacent lands. The City may impose restrictions on the grantor's retained use of any public utility or facility easement in order to ensure that the public use is not unreasonably interfered with.
- (3) When there is a need for stormwater conveyance via any waterway, public improvement and maintenance easements shall be provided and shall extend 25 feet in each direction from the waterway centerline or 10 feet from the top of a recognizable bank, whichever is greater. Such easements shall be of a width sufficient to allow both initial improvements and future maintenance operations. Larger widths may be required when necessary.
- (4) Native Growth Protection Easements (NGPEs) shall be granted where the preservation of native vegetation is reasonably necessary to control surface water and erosion, maintain slope stability, provide visual and aural buffering, protect plant and animal habitat, or otherwise protect critical areas as described in Section ____ of the Zoning Code. The NGPE shall require all present and future owners of the easement area to leave

undisturbed all trees and other vegetation within the easement without the express permission of the City of Redmond.

- (5) Easements required by this section shall be granted by the terms and conditions of such easements being shown on the face of the land division instrument approved for recording under this chapter or by separate instrument.

20-040 Water, Sewer, and Storm Drainage Systems.

All lots shall be served by adequate public water, sanitary sewer, and storm drainage systems approved by the City and meeting the design and construction requirements of the City's Technical Design and Construction Manuals. The City may approve alternate sanitary sewage disposal systems where necessary to meet unique circumstances where compliance with the City's requirements is not feasible. All public water, sanitary sewer, and storm drainage systems shall be placed underground in appropriate public easements or tracts and dedicated to the City, provided, that those portions of storm water systems that are required to be above-ground in order to function, i.e., storm water ponds, drainage swales, and similar facilities may be installed above-ground. Where a public street is to be dedicated or where a public street is widened or structurally altered by an applicant as a condition of land division approval, the applicant shall provide and dedicate any required storm drainage system.

20-050 Watercourses.

Buffers required by RCDG 20D.140 shall apply to all critical areas within land divided under this chapter. When required by the City in order to mitigate or avoid impacts from the development, the developer of a land division shall enhance a stream which traverses or abuts the land division in accordance with the mitigation requirements of Section _____ of the Zoning Code. Any required watercourse easements shall be dedicated as provided in Section 30-030, Easements.

20-060 Underground Utilities.

All permanent utility service to lots shall be provided from underground facilities as set forth in Section _____ of the Zoning Code, Underground Wiring. The applicant shall be responsible for complying with the requirements of this section and shall make all necessary arrangements with the utility companies and any other persons or corporations affected by installation of such underground facilities in accordance with the rules and regulations of the Washington Utilities and Transportation Commission.

20-070 Street Standards.

All street improvements, grades, widths, construction and design shall comply with the standards and specifications as set forth in the City's Technical Design and Construction Manuals. Additional right-of-way width may be required where future conditions and development impacts warrant, or where topographical requirements necessitate cuts or fills for proper grading of the streets. Street lights, including underground electrical service, light standards, wiring, and

lamps, shall be installed by the developer in accordance with the City's Technical Design and Construction Manuals.

20-080 Monuments.

- (1) Permanent survey control monuments shall be provided for all land divisions at:
 - (a) All controlling corners on the boundaries of the land division;
 - (b) The intersection of centerline of roads within the land division; and
 - (c) The beginning and ends of curves on centerlines or points of intersections on tangents.
- (2) Permanent survey control monuments shall be set in two-inch pipe, 24 inches long, filled with concrete or shall be constructed of an approved equivalent. Permanent survey control monuments within a street shall be set after the street is paved. Every lot corner shall be marked by a three-quarter inch galvanized iron pipe or approved equivalent, driven into the ground. If any land in a land division is contiguous to a meandered body of water, the meander line shall be re-established and shown on the final plat, short plat, or other recorded land division instrument.

20-090 Public Non-Motorized Accessways.

- (1) When necessary for public convenience or safety, the developer shall improve and dedicate to the public non-motorized accessways to connect to cul-de-sac streets, to pass through oddly shaped or unusually long blocks, to provide for networks of public paths creating access to schools, parks, shopping centers, mass transportation stops or other community services.
- (2) The accessway shall be of such design, width and location as reasonably may be required to facilitate public use and shall comply with Section _____ of the Zoning Code, as well as the specifications and standards of the Director of Public Works. Where possible, said dedications may also accommodate utility easements and facilities.

20-100 Clearing and Grading.

All clearing and grading shall be conducted in compliance with the provisions set forth in Chapter 15.24 RMC, Clearing, Grading and Storm Water Management.

20-110 Survey Required.

The survey of every proposed land division shall be made by or under the supervision of a registered land surveyor. All surveys shall conform to standard practices and principles of land surveying as set forth in the laws of the State of Washington. . Primary survey control points shall be referenced to section corners and monuments.

20-120**Improvements, Completion or Guarantee.**

- (1) **Short Subdivisions.** Short subdivision improvements must be deemed substantially complete by the City, with all fire and safety items constructed, before the final short subdivision may be recorded. The applicant shall financially guarantee installation of any remaining improvements not completed before short plat recording pursuant to the provisions of Section ____ of the Zoning Code, Performance Assurance.
- (2) **All Other Land Divisions.** For all land divisions other than short subdivisions, the applicant shall either complete the required improvements before the land division is finally approved or the applicant shall financially guarantee installation of the same pursuant to the provisions set forth in Section ____ of the Zoning Code Performance Assurance.

20-130**Transfer and Development of Lots Not Divided According to this Chapter.**

- (1) **Legal Lot Criteria for Building or Transfer of Ownership.** A lot is considered a lot of record if it meets any one of the criteria listed below. Lots of record may be transferred and developed as separate legal lots even though such lots may not have been created according to this chapter. Even though a lot may be deemed legal, development on said lot shall be subject to all applicable sections of the Redmond Community Development Guide.
 - (a) **Lots of record include:**
 - (i) Any lot, the legal description of which has been recorded in a plat or short subdivision filed with the County Auditor after June 9, 1937;
 - (ii) Any lot created and separately developed before June 9, 1937;
 - (iii) Any lot, the legal description of which is on file with the County Auditor in an assessor's plat recorded in accordance with Chapter 58.18 RCW;
 - (iv) Lots created by court order for adverse possessions or divorces;
 - (v) Lots exempted under Section ____ of the Zoning Code and lots transferred to a bona fide innocent purchaser for value in accordance with this chapter;
 - (vii) Any lot created prior to October 21, 1979 and not otherwise meeting the criteria set forth above, provided that there must be no adjoining lots of record of contiguous boundary in the same ownership to which the

substandard lot can be merged in title or with which the lot lines can be adjusted to create lots of record that would comply with this Title.

(2) Innocent Purchaser and Public Interest.

(a) Innocent Purchasers. The Administrator shall determine that parcels that meet the following criteria are lots of record, for purposes of subsection (1) of this section:

(i) Zoning and Public Health. The parcel meets minimum zoning and dimensional requirements, including lot size, dimensions and frontage width, which are currently in effect or in effect at the time the parcel was created; and

(ii) Status. The current property owner purchased the property for value and in good faith, and did not have knowledge of the fact that the property acquired was divided from a larger parcel in violation of the State and County regulations listed under "lots of record" in subsection (41) of this section;

(iii) Permits. A building permit or septic tank permit was issued for the parcel prior to July 26, 1999.

(b) Public Interest, Mandatory. The Administrator shall determine that parcels, which meet both of the following criteria, are lots of record:

(i) Zoning and Public Health. The parcel meets minimum zoning and public health dimensional requirements currently in effect, including lot size, dimensions and frontage width; and

(ii) Status.

(A) The property owner completes conditions of approval which the Administrator determines would otherwise be imposed if the parcel had been established through platting under current standards; or

(B) The Administrator determines that improvements or conditions of approval, which would have been imposed if the parcel had been established through platting, are already present and completed.

(c) Public Interest, Discretionary. The Administrator may, but is not obligated to determine that parcels meeting the following criteria are lots of record:

(i) Zoning and Public Health. The parcel lacks sufficient area or dimension to meet current zoning and public health requirements but meets minimum zoning dimensional requirements and health requirements, including lot

size, dimensions and frontage width, in effect at the time the parcel was created; and

(ii) Status.

(A) The property owner completes conditions of approval which the Administrator determines would otherwise be imposed if the parcel had been established through platting under current standards, or

(B) The Administrator determines that conditions of approval which would have been imposed if the parcel been established through platting under current standards are already present on the land;

(iii) The Administrator shall consider the following factors as favoring a lot of record determination under the discretionary public interest exception, although no one factor is determinative:

(A) The parcel size is consistent with surrounding lots of record,

(B) Presence of an existing residence on the parcel,

(C) Recognition of the parcel does not adversely impact public health or safety, or interfere with the implementation of the Comprehensive Plan,

(D) The parcel purchase value and subsequent tax assessments are consistent with a buildable lot of record.

30 DECISION CRITERIA AND PROCEDURES

30-010 Application Submittal Requirements.

(1) Scope. This section sets forth the requirements that must be met in order for applications for approvals governed by this chapter to be considered complete.

(2) Preliminary Subdivisions. In order to be considered complete, each application for preliminary subdivision approval shall contain the following:

(a) A completed General Application Form and Project Contact Form;

(b) The required application fees;

(c) A small scale vicinity map (suitable for public notice purposes);

(d) A completed SEPA/CAO Fee Worksheet;

- (e) A CAO Report, if required in Chapter ____ of these regulations;
 - (f) For large sites, key plat map showing the entire site on one large sheet;
 - (g) A set of preliminary plat plans showing the proposed layout of all lots, tracts, parcels, and streets
 - (h) A Preliminary Stormwater Report;
 - (i) A SEPA Application Form, together with a completed City of Redmond SEPA Checklist. ;
 - (j) A traffic study, if required by the Public Works Department;
 - (k) A title report or plat certificate for all parcels involved;
 - (l) Density calculations indicating maximum and minimum density requirements for the proposal and including density bonus calculations, if applicable;
 - (m) A transportation certificate of concurrency or, if no such certificate has been issued at the time of application, all information required for a transportation concurrency determination under Section ____ of the Zoning Code.
 - (n) A reduced site plan showing proposed lot layout (suitable for public notice purposes; and
 - (o) A tree preservation plan if trees are proposed to be removed as part of the proposal.
- (3) Short Subdivisions. In order to be considered complete, each application for short subdivision approval shall contain all of the items listed in subsection (1) above for a preliminary subdivision application, except that the key plat map referred to in subsection (1)(f) and the traffic study referred to subsection (1)(j) shall not be required.
- (4) Binding Site Plans. In order to be considered complete, each application for binding site plan approval shall contain all of the items listed in subsection (1) for a preliminary subdivision application. In addition, the binding site plan application shall contain the following:
- (a) A topography map, labeled "Topography Map;"
 - (b) A written explanation of any modification sought from code standards, labeled "Modification Sought from Code Standards;"
 - (c) Draft covenants, conditions and restrictions labeled "CC&Rs" or any other restrictions or easements that may apply; and
 - (d) A drawing showing all existing and proposed utilities.

- (5) Authority of Administrator. The Administrator is hereby authorized and directed to provide more detailed requirements for each of the items required for the submittal of complete preliminary subdivision, short subdivision, and binding site plan applications, including size, scale, number of copies, and content. The Administrator shall administratively adopt application submittal requirements for all other applications made under this chapter, including, but not limited to, applications for boundary line adjustments, final plat approval, final short plat approval, plat alterations, and plat vacations.

30-020 Decision Criteria for Approval of Short Subdivisions, Binding Site Plans, Unit Lot Subdivisions, and Preliminary Subdivisions.

- (1) Each proposed short subdivision, binding site plan, unit lot subdivision, and preliminary subdivision shall be reviewed to ensure that
- (a) The proposal complies with the general criteria applicable to all land use permits set forth in Section 70-020 of the Administration and Procedures chapter of the Zoning Code;
 - (b) The proposal conforms to the site requirements for the zoning district in which the property is located;
 - (c) The proposal conforms to the requirements of this chapter;
 - (d) The proposed short subdivision, binding site plan, unit lot subdivision, or preliminary subdivision:
 - (i) Makes adequate provision for streets, roads, alleys, other public ways, and transit stops as required by this Title, and the proposed street system conforms to the City of Redmond Transportation Master Plan and Neighborhood Street Plan and is laid out in such a manner as to provide for the safe, orderly and efficient circulation of traffic;
 - (ii) Will be adequately served with water, sewer, storm drainage, and other utilities appropriate to the nature of the subdivision or short subdivision;
 - (iii) Makes adequate provision for parks, recreation, and playgrounds, as required by this Title;
 - (iv) Makes adequate provision for schools and school grounds;

- (v) Makes adequate provisions for sidewalks and other planning features that meet the requirements of this Title and that provide safe walking conditions for students who walk to and from school;
 - (vi) Serves the public interest and makes appropriate provisions for the public health, safety, and welfare.
- (e) Geotechnical considerations have been identified and all hazards and limitations to development have been considered in the design of streets and lot layout to assure streets and building sites are on geologically stable soil considering the stress and loads to which the soil may be subjected.
- (2) Lack of compliance with the criteria set forth in subsection (1) of this section shall be grounds for denial of a proposed short subdivision, binding site plan, unit lot subdivision or preliminary subdivision, or for the issuance of conditions necessary to more fully satisfy the criteria.
- (3) Where a subdivision is to be developed in phases with a final plat approved and recorded separately for each phase, the applicant shall request approval of phasing in the preliminary subdivision application. Each separate phase shall be required to meet the requirements of subsection (1) of this section and all other applicable City codes when considered independently from any other phase. Where an applicant requests phasing after preliminary subdivision approval has been granted, phasing may be approved only through modification of the preliminary subdivision approval using the preliminary subdivision approval procedures set forth in Section 20-050.

30-030 Decision Criteria for Approval of Final Subdivisions.

- (1) No final subdivision shall be approved unless the final subdivision:
- (a) Substantially conforms to all terms, conditions, and provisions of preliminary approval;
 - (b) Contains a dedication to the public of all common improvements, including but not limited to streets, roads, sewage disposal systems, storm drainage systems, and water supply systems which were a condition of approval. The intention to dedicate shall be evidence by the owner's presentment of a final plat showing the dedication and the acceptance by the City shall be evidenced by the approval of the final plat; and
 - (c) Meets the requirements of this Title, applicable State laws, and all other local ordinances adopted by the City which were in effect at the time a complete application for preliminary plat approval was filed.

30-040 Short Subdivision Procedures.

- (1) Approval process. Short subdivisions shall follow the procedures established in Section ____ of the Zoning Code for a Type II permit process.
- (2) Decision by the Technical Committee. Each final decision of the Technical Committee shall be in writing and shall include findings and conclusions based on the record to support the decision. The decision made by the Technical Committee shall be given the effect of an administrative decision and may be appealed in accordance with Section ____ of the Zoning Code, Public Hearings and Appeals.
- (3) Effect of Approval. Approval of the short subdivision shall constitute authorization for the applicant to develop the short subdivision facilities and improvements, upon review and approval of construction drawings by the Public Works Department. All such facilities and improvements shall be completed or have a performance assurance posted to assure completion as provided in Section 30-120, Improvements - Completion or Guarantee, prior to recording of the short subdivision. All development of a short subdivision shall be subject to any conditions imposed by the City on the short subdivision approval.
- (3) Short subdivision approval shall expire pursuant to the following:
 - (a) One year from the date of the Technical Committee Notice of Decision if construction drawings, required under RCDG 20D.180.10-220, have not been completed and approved by the City. No extensions shall be granted.
 - (b) Two years from the date of the Technical Committee Notice of Decision if the short plat has not been recorded. A single one-year extension may be granted by the Technical Committee if the applicant has attempted in good faith to submit the final short plat within the two-year period; provided, however, that the applicant must file a written request for extension at least 30 days prior to expiration of the two-year period.
- (4) Recording. All short subdivisions shall be recorded in compliance with the following:
 - (a) Fees and Recording Procedure. Prior to recording, the applicant shall submit the original short subdivision drawings to the Public Works Engineering Department for signatures.
 - (b) Recording Required. No short subdivision shall be recorded unless approved as provided in this chapter. Further, recording shall not be authorized unless and until the required short subdivision improvements have been completed or a performance assurance has been posted to ensure completion as provided in Section 30-120, Improvements - Completion or Guarantee. A copy of an approved short subdivision shall be filed for record with the King County Department of Records and Elections and one reproducible copy shall be furnished to the City Engineer.

- (5) **Restriction on Further Division.** Land within an approved and recorded short subdivision may not be further subdivided within a period of five years from the date of final approval if such further division would result in more than nine lots within the original short subdivision boundaries. Any division that would result in more than nine lots within the original short subdivision within the five year period may be accomplished only by following the process for preliminary and final subdivision approval set forth in 20-050 and 20-060.

30-050 Preliminary Subdivision Procedures.

- (1) **Approval Process.** Preliminary subdivisions shall follow the procedures established in Section ____ of the Zoning Code for a Type III permit process.
- (2) **Effect of Preliminary Subdivision Approval.** Approval of the preliminary subdivision shall constitute authorization for the applicant to develop the subdivision facilities and improvements upon review and approval of construction drawings by the Public Works Department. All development shall be subject to any conditions imposed by the Hearing Examiner.
- (3) **Time Limits – Approval within 90 Days.** A preliminary subdivision shall be approved, approved with conditions, denied or returned to the applicant for modification or correction within 90 days from the date of filing of a complete application unless the applicant agrees to an extension of the time period in writing. Provided, that should an environmental impact statement (EIS) be required per RCW 43.21C.030, Guidelines for state agencies, local governments, the 90-day period shall not include the time spent in preparing and circulating the EIS by the City. A preliminary subdivision application shall not be deemed “filed” until all of the requirements for a complete application established by Section 20-010 have been met.
- (4) **Limitation on Preliminary Approval.**
 - (i) Final approval of a subdivision must be acquired within seven years of preliminary subdivision approval, after which time the preliminary subdivision approval is void. This subsection shall expire automatically on December 31, 2014. All subdivisions for which a complete preliminary subdivision application was filed prior to such date shall continue to have seven years from preliminary approval to acquire final approval, but any subdivision for which a complete preliminary subdivision application is filed after such date shall be subject to the five-year limitation in subsection (ii) below.
 - (ii) Final approval of all subdivisions for which a complete preliminary subdivision application is filed after December 31, 2014 must be acquired within five years of preliminary plat approval, after which time the preliminary plat approval is void.
 - (iii) The Hearing Examiner may grant an extension of the time periods set forth in (i) and (ii) above for one year if the applicant has attempted in good faith to submit

the final plat within the required time period; provided, however, the applicant must file a written request with the Planning Department requesting the extension at least 30 days before expiration of the required time period.

30-060 Final Plat Procedures.

- (1) Time Limits. A final plat application shall be approved, denied or returned to the applicant for modification or correction within 30 days from the date of filing unless the applicant consents to an extension of such time period.
- (3) Review by City Engineer. The City Engineer or a licensed professional engineer acting on behalf of the City shall review the survey data, layout of lot lines, streets, alleys and other rights-of-way, design of bridges, and utility systems improvements including storm drainage, water and sanitary sewer.
- (4) Findings by City Engineer. The City Engineer or other professional engineer acting on behalf of the City shall convey his findings to the City Council. The engineer shall assure that:
 - (a) The proposed final plat meets all standards established by State law and this section relating to the final plat's drawings and subdivision improvements;
 - (b) The proposed final plat bears the certificates and statements of approval required by this section;
 - (c) A current title insurance report furnished by the subdivider confirms the title of the land in the proposed subdivision is vested in the name of the owners whose signatures appear on the final plat;
 - (d) The legal description of the plat boundary on the current title insurance report agrees with the legal description on the final plat;
 - (e) The facilities and improvements required to be provided by the subdivider have been completed or, alternatively, that the subdivider has provided a surety in an amount commensurate with improvements remaining to be completed, as provided in Section ____ of the Zoning Code; and
 - (f) The surveyor has certified that all survey monument lot corners are in place and visible.
 - (g) The final plat contains a dedication to the public of all common improvements, including but not limited to streets, roads, sewage disposal systems, storm drainage systems, and water supply systems which were a condition of approval. The intention to dedicate shall be evidence by the owner's presentment of a final

plat showing the dedication and the acceptance by the City shall be evidenced by the approval of the final plat

- (5) **Review - City Council.** The City Council shall review the final plat at a public meeting, according to the decision criteria for final plats set forth in Section 20-030. No public hearing shall be required. Notice of the public meeting at which the final plat will be considered will be mailed to the applicant and to any person who was a party of record to the preliminary plat proceedings at least ten days in advance of the meeting. If the City Council approves the final plat, the Mayor shall be authorized to inscribe and execute the written approval on the face of the plat map. If the City Council denies the final plat, the final plat will be returned to the applicant with reasons for denial and conditions for compliance.
- (6) **Recording.** All final plats shall be recorded in compliance with the following:
 - (a) **Fees and Performance Assurance.** Prior to recording, the applicant shall submit the original final plat drawings to the Public Works Department together with the plat checking fees. Unless all required improvements have been constructed prior to final plat approval, the applicant shall also submit all required performance assurances to guarantee completion of the improvements as required by Section 30-120, Improvements - Completion or Guarantee.
 - (b) **Recording Required.** No final plat shall be recorded unless approved as provided in this section. The original of an approved final plat shall be filed for record with the King County Department of Records and Elections.
 - (c) **Time Limit.** All final plats shall be recorded within 120 days after final approval is granted by the City. Approval shall expire if the final plat is not recorded within this period.
- (6) **Valid Land Use.** As required by RCW 58.17.170, Written Approval of Subdivision, a subdivision shall be governed by the terms of the approval of the final plat, and any lots created shall be a valid land use for a period of not less than five years from date of filing, unless the City Council finds that a change in conditions in the subdivision creates a serious threat to the public health or safety.

30-070 Unit Lot Subdivisions.

- (1) **Applicability.** The provisions of this section apply exclusively to the unit lot subdivision of land for attached dwelling units that have land use approval through Site Plan Entitlement, RCDG 20F.40.130; Green Building and Green Infrastructure Incentive Program, RCDG 20C.30.57; Master Planned Development; Chapter 20D.97 RCDG, or Innovative Housing Demonstration Projects, RCDG 20C.30.62.
- (2) **Approval process.** A unit lot subdivision shall follow the procedures established in Section ____ of the Zoning Code for a Type II permit process if nine or fewer unit lots

are proposed. Preliminary unit lot subdivisions shall follow the procedures established in Section ____ of the Zoning Code for a Type III permit process if ten or more unit lots are proposed. Final unit lot subdivisions of ten or more lots shall follow the procedures established in Section 20-060 of this chapter for final plats.

- (2) Compliance with Prior Approvals. Sites developed or proposed to be developed with single-family attached dwelling units may be subdivided into individual unit lots as provided herein. The development as a whole shall conform to the regulations of the zone that the site is located in and to the plans that were granted approval through either Site Plan Entitlement, Section ____ of the Zoning Code; Green Building and Green Infrastructure Incentive Program, Section ____ of the Zoning Code; Master Planned Development, Section ____ of the Zoning Code; or Innovative Housing Demonstration Projects, Section ____ of the Zoning Code provisions of this Code.
- (3) Development on individual unit lots is not required to conform with all development standards that typically apply to individual lots as long as the parent lot conforms to all such development standards. Each unit lot shall comply with applicable building codes. Fire protection for the buildings shall be based on the aggregate square footage on the parent lot.
- (4) Internal vehicular courts and driveways providing vehicular access to unit lots in the subdivision from public streets shall not be considered public or private streets when considering unit lot subdivisions.
- (5) Subsequent platting actions, additions or modification to the structure(s) may not create or increase any nonconformity of the parent lot.
- (6) Access easements, joint use and maintenance agreements, and covenants, conditions and restrictions (CC&Rs) identifying the rights and responsibilities of property owners and/or the homeowners association shall be executed for use and maintenance of common garage, parking, and vehicle access areas; underground utilities; common open space (such as common courtyard open space); exterior building facades and roofs; and other similar features, shall be recorded with the King County Department of Records and Elections.
- (7) Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use the parking is formalized by an easement recorded with the King County Department of Records and Elections.
- (8) The minimum residential density required for unit lot subdivision in the Sammamish Trail and Town Square Districts of Downtown shall be 35 dwelling units per acre. There shall be no minimum residential density requirements for unit lot subdivisions elsewhere in the City unless required by the zone in which the site is located.

- (9) Notes shall be placed on the face of the plat or short plat as recorded with the King County Department of Records and Elections to acknowledge the following:
- (a) Approval of the design of the units on each of the lots was granted by the review of the development, as a whole, on the parent lot by Site Plan Entitlement, Section ____ of the Zoning Code; Green Building and Green Infrastructure Incentive Program, Section ____ of the Zoning Code; Master Planned Development, Section ____ of the Zoning Code; or Innovative Housing Demonstration Projects, Section ____ of the Zoning Code (stating the subject file application number).
 - (b) Development, redevelopment, or rehabilitation of structures on each unit lot is subject to review and approval of plans that are consistent with the design of the surrounding structures on the parent lot as approved by the City through (subject file number as stated in (a) above).
- (8) The authority provided by this section for approval of unit lot subdivisions shall expire on October 29, 2013__. Unit lot subdivisions for which a complete application is or was filed prior to said date shall continue to be processed to completion under this section, including to final subdivision approval, but no applications shall be accepted for unit lot subdivisions after the stated date unless extended by the Redmond City Council.

30-080 Subdivision Vacations.

- (1) Scope. This section establishes the procedures to be used for subdivision vacations under RCW 58.17.212.
- (2) Approval Process. Subdivision vacations shall follow the procedures established in Section ____ of the Zoning Code for a Type V permit process.
- (3) Application Requirements. An application for vacation of all or any portion of a subdivision shall meet the submittal requirements established by the Administrator, shall set forth the reasons for vacation and shall contain signatures of all parties having an ownership interest in that portion to be vacated. If the subdivision is subject to restrictive covenants which are filed at the time of approval of the subdivision, and the vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation.
- (3) Hearing Required. The City Council shall conduct a public hearing on the application for a subdivision vacation.
- (4) Decision Criteria. The City Council shall approve the application for vacation of the subdivision or approve the application with conditions if it determines that the public use and interest will be served by the vacation. The City Council shall deny the application for vacation if it finds that the public use and interest will not be served by the vacation.

- (5) If any portion of the land contained in the subdivision was dedicated to the public for public use or benefit, such land, if not deeded to the City, shall be deeded to the City unless the City Council adopts written findings that the public use would not be served in retaining title to those lands. Title to vacated property shall be governed by Chapter 58.17 RCW, Plats – Subdivision – Dedications.

30-090 Subdivision Alterations.

- (1) Scope. This section establishes the procedures to be used for subdivision alterations under RCW 58.17.215 - .218.
- (2) Approval Process. Subdivision alterations shall follow the procedures established in Section _____ of the Administration and Procedures Chapter of the Zoning Code for a Type V permit process.
- (3) Application Requirements. An application for alteration of a subdivision shall meet the submittal requirements established by the Administrator and shall contain the signatures of the those persons having an ownership interest in the majority of the lots, tracts, parcels, sites, or divisions in the subject subdivision or portion to be altered and other application submittal materials as required. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to *terminate or alter the relevant covenants to accomplish the purpose of the alteration.*
- (3). Hearing Required. The City Council shall conduct a public hearing on the application for a subdivision alteration.
- (4) Decision Criteria. The City Council shall approve the application for alteration of the subdivision or approve the application with conditions if it determines that the public use and interest will be served by the alteration. The City Council shall deny the application for alteration if it finds that the public use and interest will not be served by the alteration.
- (4) After approval of the alteration, the applicant shall submit to the City a revised drawing of the approved alteration of the subdivision, which after signature of the approving authority shall be filed with the King County Department of Records and Elections to become the lawful plat of the property. The revised drawing shall be surveyed and prepared by a Washington State licensed land surveyor.
- (5) The procedures set forth in subsections (1), (2), and (3) of this section apply to subdivisions that have been recorded. A subdivision that has not yet been recorded and that has not expired may be altered upon approval by the Administrator as long as the alteration is consistent with the final plat approval granted by the City Council. In the event that the alteration is not consistent with that approval, alteration may be approved only by repeating the final plat approval process.

30-100 Final Plat and Short Plat Corrections.

- (1) Public Dedication – Not Involved. Amendments, alterations, modifications, and changes to recorded final plats and short plats that do not affect a public easement or other public dedication of land shall be accomplished only by one of the following methods:
 - (a) File a new plat for the lots in question by following the full subdivision procedures of this chapter; or
 - (b) File a short plat for lots in question by following the procedures of this chapter; provided, that short plats occurring in final subdivisions approved under the provisions of the Redmond Community Development Guide do not exceed the density allowed under the zoning existing at the time the plat was approved, or are not inconsistent with other provisions of the plats; or
 - (c) File an application for an Administrative Modification or boundary line adjustment where the proposed changes are minor and do not create buildable lots. This method may be used to consolidate two or more existing lots. A final plat or short plat mylar shall be filed with the signatures of the owners of affected lots and a cross-reference to the original final or short plat.
- (2) Public Dedication – Involved. Amendments, alterations, modifications and changes to recorded final plats and short plats that do affect a public easement or other public dedication of land shall be accomplished by following the procedures of RCDG20-080, Subdivision Vacation, or RCDG20-090, Subdivision Alterations.

30-110 Binding Site Plans.

- (1) Scope. This section establishes the procedures to be used for the division of land using the binding site plan process pursuant to RCW 58.17.035. Division of land using the binding site plan process is limited to:
 - (a) Divisions for the sale or lease of commercial or industrial zoned property;
 - (b) Divisions for the purpose of lease when no residential structures other than mobile homes or travel trailers are permitted to be placed on the land; and
 - (c) Divisions of land into lots or tracts made under the provisions of the Horizontal Properties Regimes Act (Chapter 64.32 RCW) or the Condominium Act (Chapter 64.34 RCW).
- (2) Approval Process. Binding site plans shall follow the procedures established in Section _____ of the Administration and Procedures Chapter of the Zoning Code for a Type II permit process.

- (3) Drawing Requirements. Binding site plans shall be drawn at a scale no smaller than one inch equals 50 feet, unless a different scale is approved by the Administrator, and shall include:
- (a) The design of any lots and building envelopes and the areas designated for landscaping and vehicle use;
 - (b) The areas and locations of all streets, roads, improvements, utilities, easements, open spaces, sensitive areas, and any other matters specified by the development regulations;
 - (c) Inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the City of Redmond; and
 - (d) Provisions requiring that any development shall comply with the approved site plan.
- (4) Post-approval Requirements. The following requirements shall apply to proposals submitted under this section:
- (a) Approved binding site plans shall be submitted for recording with the King County Department of Records and Elections;
 - (b) All provisions, conditions and requirements of the binding site plan shall be legally enforceable on the purchaser or any person acquiring a lease or other ownership interest of any lot, parcel or tract created pursuant to the binding site plan. A sale, transfer, or lease of any lot, tract or parcel that does not conform to the requirements of the binding site plan approval, shall be considered a violation of this chapter.
 - (c) All development shall be in conformity with the approved binding site plan and any existing or subsequent applicable permit approval. Each binding site plan document shall reference the requirement for compliance with any existing or subsequent permit approval.
 - (d) Amendments to or vacations of an approved binding site plan shall be made through the subdivision vacation process; and
 - (e) Approved binding site plans may contain any easements, restrictions, covenants, or conditions as would a subdivision approved by the City.

30-120 Boundary Line Adjustments.

- (1) Scope. This section sets for the approval of boundary line adjustments, as defined in RCW 58.17.040(6). Division of land using the binding site plan process is exempt from complying with subdivision regulations.

- (2) Approval Process. Boundary Line Adjustments shall follow the procedures established in Section _____ of the Administration and Procedures Chapter of the Zoning Code for a Type I permit process.
- (3) Decision Criteria. The Administrator may approve an application for a boundary line adjustment provided the following criteria are met:
- (a) The boundary line adjustment shall not result in the creation of any additional lot, tract, parcel, site, or division.
 - (b) The property being transferred within the boundary line adjustment shall be combined with the benefiting parcel and shall not be a separate parcel, which could be mistaken as a separate and distinct, conveyable tract without proper research;
 - (c) The lots, tracts, or parcels resulting after the boundary line adjustment shall meet all dimensional requirements specified for the applicable zone as outlined in RCDG Title 20C;
 - (d) All lots modified by the boundary line adjustment procedures shall have legal access meeting the standards of the City of Redmond;
 - (e) The boundary line adjustment shall not violate an applicable requirement or condition of a previous land use action, subdivision, short plat or binding site plan;
 - (f) All boundary line adjustments shall be recorded surveys consistent with the requirements of Chapter 58.09 RCW and Chapter 332-130 WAC. All lot lines being adjusted shall be surveyed, and newly established lot corners shall be staked.
- (4) Improvements. Boundary line adjustments shall not be conditioned upon the construction of improvements required for subdivisions or other land divisions under this chapter unless the need for such improvements is directly created or exacerbated by the boundary line adjustment itself.

Exhibit B

WIRELESS COMMUNICATION FACILITIES

DEFINITIONS

“A” Definitions.

Antenna Array.

A single or group of antenna elements and associated mounting hardware, feed lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic waves.

Antenna Support Structure.

A vertical projection composed of metal or other material with or without a foundation that is designed for the express purpose of accommodating antennas at a desired height. Antenna support structures do not include any device used to attach antennas to an existing building, unless the antenna and device extend above the highest point of the building by more than fifteen (15) feet. Types of support structures include the following:

- (1) Guyed antenna support structure - a style of antenna support structure consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other and the assembly is attached to a foundation and supported by a series of wires that are connected to anchors placed in the ground or on a building.
- (2) Lattice antenna support structure - a tapered style of antenna support structure that consists of vertical and horizontal supports with multiple legs and cross-bracing and metal crossed strips or bars to support antennas.
- (3) Monopole antenna support structure - a style of antenna support structure consisting of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of antenna support structure is designed to support

itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on a building's roof.

“B” Definitions.

Base Station.

The wireless service provider's specific electronic equipment used to transmit and receive radio signals, usually located within and including cabinets, shelters, pedestals, or other similar enclosures used to contain electronic equipment for said purpose.

“C” Definitions.

Collocation. *The practice of installing and operating antennas for multiple wireless carriers, service providers, and/or radio common carrier licensees on the same antenna support structure or attached wireless communication facility using different and separate antenna, feed lines, and radio frequency generating equipment.*

“F” Definitions.

Feed Lines.

Cables used as the interconnecting media between the transmission/receiving base station and the antenna.

“L” Definitions.

Large Satellite Dish.

Any satellite dish antenna(s) whose diameter is greater than one meter in the Urban Recreation, Semi-Rural, Residential zones or Shorelines areas of the City or two meters within any zone (see Satellite Dish Antenna(s)).

“S” Definitions.

Satellite Dish Antenna(s).

A type of antenna(s) and supporting structure consisting of a solid, open mesh, or bar configured reflective surface used to receive and/or transmit radio frequency communication signals. Such an apparatus is typically in the shape of a shallow dish, or cone.

Small Satellite Dish.

Any satellite dish antenna(s) that has a diameter less than or equal to one meter located in the Urban Recreation, Semi-Rural, Residential zones or Shoreline areas of the City or two meters within any zone in accordance with the Federal Telecommunications Act (see Satellite Dish Antenna(s)).

Stealth Technology

Technology that camouflages, conceals, or otherwise makes the antenna array, antenna support structure, base station, and feed lines not readily identifiable as such, and which is designed to be aesthetically similar to existing and proposed buildings, vegetation, and uses on a site. *Examples of stealth technology include, but are not limited to, painting antennas, antenna support structures, feed lines, and base stations to match the color of an existing building or structure or the color of the sky or vegetation providing a background for the facility, concealing the antenna support structure, feed lines, and base station through the use of faux windows, dormers or other architectural features that blend with an existing building or structure, or concealing antenna support structures, feeder lines, and base stations within another structure that has a secondary function, such as a church steeple, windmill, bell tower, clock tower, cupola, light standard, utility pole, flagpole, or tree.*

“W” Definitions.

Wireless Communications.

Any personal wireless service, which includes, but is not limited to, cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), and unlicensed spectrum services utilizing devices described in Part 15 of the Federal Communications Commission rules and regulations (e.g., wireless internet services and paging).

Wireless Communication Facility Permit.

A permit required to ensure compliance with regulations in Chapter ____ for large satellite antenna(s), amateur radio towers and other wireless communication facilities.

Wireless Communication Facility (WCF).

An unstaffed facility for the transmission and/or reception of radio frequency signals, or other wireless communications, and usually consisting of an antenna or group of antennas, feed lines, a base station, and an antenna support structure. The following construction or development activities are included within the definition of a WCF: the development of new, consolidated, or existing public or private antenna support structures, collocation of new antennas on existing antenna support structures, collocation of new antennas onto existing utility poles or electrical distribution towers, the attachment of new antennas or antenna arrays, the installation of base stations and feed lines, non-commercial amateur radio, amateur ham radio, and citizen's band antennas, satellite earth stations and antenna support structures, and antenna arrays for AM/FM/TV/HDTV broadcasting WCFs.

Wireless Communication Facility Standards

10	Purpose.
20	Applicability
	010 – Permits
	020 - Exemptions
30	General Siting Criteria
40	General Development Standards
50	Design Requirements for Wireless Communication Facilities.
60	Special Exceptions
	010 – Purpose
	020 – Applicability
	030 – Procedures
	040 – Special Exception Decision Criteria
70	Technical Evaluation
80	Cessation of Use

10 PURPOSE.

The purpose of this chapter is to:

- (1) Establish clear regulations for the siting and design of Wireless Communication Facilities (WCFs) consistent with state and federal regulations;
- (2) Promote the health, safety, and general welfare of the Redmond community by regulating the siting of WCFs;
- (3) Minimize visual, safety, aesthetic, and environmental impacts of WCFs on surrounding areas by establishing standards for location, structural integrity, and compatibility;
- (4) Encourage the location and collocation of wireless communications equipment on existing structures;
- (5) Accommodate the growing need and demand for wireless communication services.

20 APPLICABILITY PERMITS AND EXEMPTIONS.

010 Permits

- (1) **Permits Required.** Any person desiring to locate or install any Wireless Communication Facility (WCF) within the City of Redmond shall first obtain a permit to do so. The table set forth in [Section 70-230 of the Administration and Procedures Chapter of the Zoning Code] sets forth the type of permit required based upon the nature of the facility and its location.
- (2) **Exemptions.** *The following WCFs shall be exempt from the requirement to obtain permits:*
 - (a) VHF and UHF Receive-Only Television Antenna(s). VHF and UHF receive-only antenna(s) shall not be required to obtain land use permit approval nor shall they be required to obtain building permit approval. VHF/UHF antenna(s) shall be restricted to a height limit of no more than 15 feet above the existing or proposed roof.

- (b) Small Satellite Dish Antenna(s). Small dish antenna(s) in all zones shall be exempt from obtaining land use permit approval in accordance with the Federal Telecommunications Act. Such antennas shall not be required to obtain building permit approval, but installation must comply with any applicable provisions of the City Building Code.
- (3) Facilities on Public Property. WCFs located in public rights-of-way and on other City property shall comply with RMC Chapter 12.14, Telecommunications.
- (4) Permits may be conditioned to allow review of the continued use of the antenna support structure at five year intervals in order to recognize that rapid technological advancements, changing markets, and legal interpretations by the FCC and by the courts may require periodic design review.
- (5) In addition to complying with the requirements of this chapter and the International Building Code, all wireless communication facilities located within the shorelines of the City shall comply with RCDG 20D.150.60, Utilities Within the Shorelines.
- (6) All permits for antenna support structures and base stations shall be expressly conditioned upon compliance with the removal requirements of Section 80 below upon cessation of use of any such facility.

30 GENERAL SITING CRITERIA

- (1) The Section 70-280 of the Administration and Procedures Chapter of the Zoning Code identifies zoning districts and the review process for Wireless Communication Facilities. The standards in this section address site-specific location factors for Wireless Communication Facilities other than amateur radio towers and small satellite dishes.
- (2) All Wireless Communication Facilities other than small satellite dishes and amateur radio towers shall comply with the siting standards and hierarchy set forth in the following subsections.
- (3) The collocation of new antennas or other wireless communication facilities on an existing, legally established antenna support structure or an existing wireless communication facility site is allowed regardless of any prohibition otherwise set forth in the underlying zoning district.

- (4) Wireless communication facilities other than satellite dishes and amateur radio towers shall be sited within the other zoning districts of the City according to the following siting hierarchy, with (a) being the highest (most preferable) ranking site and (f) being the lowest (least preferable) ranking site. A new wireless communication facility must be located on the highest ranking site unless the applicant can demonstrate, through relevant information including but not limited to the report of a licensed radio frequency engineer, that the highest ranking site is not technically feasible or justified given the location of the proposed wireless communication facility and the network need. In order of ranking, from highest to lowest, the sites are:
- (a) Existing, legally established sites or antenna support structures on which other wireless communications facilities are located.
 - (b) Structures or site used exclusively for industrial or manufacturing park uses within the I and MP zones.
 - (c) Existing public facilities and structures, such as water towers, utility structures, fire stations, bridges, and other public buildings, within all zoning districts not used primarily for recreational or residential uses.
 - (d) Structures or sites used exclusively for manufacturing, research and development, commercial, and office uses in the commercial, Downtown and Overlake zoning districts. Within these zoning districts, the highest to lowest ranking sites are I, MP, BP, , GC, NC, GDD, OBAT, OV and DT.
 - (e) On institutional structures, places of worship and other nonresidential sites located in residential zones.
 - (f) Attached to residential structures in the R-20 and R-30 zoning districts, provided that a conditional use permit is obtained as provided in 70-100 of the Administration and Procedures chapter of the Zoning Code. Wireless communication facilities attached to residential structures are not permitted in any residential zoning district other than R-20 and R-30.

40 GENERAL DEVELOPMENT STANDARDS

All wireless communication facilities shall be installed and operated in accordance with the regulations of the Federal Communications Commission and in compliance with the development standards set forth in the following subsection and in the chart below:

- (1) No Wireless Communication Facility shall be used for the purposes of signage or message display of any kind

Wireless Communication Facility Type	Zone	Installation Type		Location	Size Requirements	Supplemental Requirements
		Roof Mounted	Ground Mounted			
Large Satellite Dish Antenna(s)	All Zones	Allowed in all zones except UR & R zones.	Allowed in all zones	Shall not be located within front or side yard bldg setback areas.	Mountings & Satellite dishes shall be no taller than the min required for obtaining an obstruction-free reception window	Construction plans and final construction of the mounting bases of all large satellite dish antenna(s) shall be approved by the City's Building Division.
	UR & R	Not Allowed	Allowed	No standard	Ground Mounted: Shall not exceed 12 feet in diameter and 15 feet in height, including their bases measured from existing grade	No standard
	All non-residential zones	Allowed	Allowed	Ground Mounted: Shall be located outside of any required landscaped area and preferably located in service areas or other less visible locations	Ground Mounted: Shall not exceed 12 feet in diameter and 15 feet in height measured from the existing grade. Roof Mounted: Shall not exceed 12 feet in diameter and 15 feet in height, including their bases measured from the roof line.	No standard
Amateur Radio Towers	All Zones	Roof Mounted	Ground Mounted	Shall not be located within any easements, front, side or rear yard building setback areas	Mountings and Amateur Radio Towers shall be no taller than the minimum required for the purposes of obtaining an obstruction-free reception window	Construction plans and final construction of the mounting bases of amateur radio towers covered by this section shall meet the structural design requirements of this section and shall be approved by the City's
		Allowed	Allowed			

	RA-5 & UR	Allowed	Allowed	Shall be located in the yard of the residence and avoid using land that is available for crops, pasturage or other agricultural activities.	<p>Ground Mounted Shall not exceed 65 feet unless a proposal demonstrates that physical obstructions impair the adequate use of the tower. Telescoping towers may exceed the 65-foot height limit only when extended and operating.</p> <p>Roof Mounted The combined structure of a roof-mounted tower and antenna(s) shall not exceed a height of 25 feet above the existing roofline.</p> <p>Within the shoreline jurisdiction, the height limit for ground-mounted and roof-mounted towers and antennas, inclusive of building height, is 50 feet. (SMP)</p>	<p>Building Division.</p> <p>Applications shall document that the proposed tower and any mounting bases are designed to withstand wind and seismic loads as established by the International Building Code</p>
	UR & R	Allowed	Allowed	shall be located at a point farthest from lot lines as feasible, or the point farthest from residential structures on abutting properties		
Base Stations	All zones	x		Not located in any setback areas. Placement of a freestanding structure shall be denied if opportunity for placement on an existing structure or antenna	Where an antenna or antenna support structure is to be mounted on the roof of a base station, the combined antenna(s) and supporting structure shall not extend more than 15 feet above the existing or proposed roof structure	Construction plans and final construction of the mountings of wireless antenna(s) and equipment shelters shall be approved by the City's Building Division. Applications shall document that the proposed antenna support structure and any mounting bases are designed to reasonably withstand wind

			support structure exists.		and seismic loads.
	UR, RA-5 & R	x		Associated above-ground equipment shelters shall be minimized, and shall not exceed 240 square feet (e.g., 12 by 20 feet) unless operators can demonstrate that more space is needed	
	All non-residential zones		Above-ground equipment shelters for antenna arrays located on buildings shall be located within, on the sides or behind the buildings and screened to the fullest extent possible.	Associated above-ground equipment shelters shall not exceed 240 square feet (e.g., 12 by 20 feet) unless operators can demonstrate that more space is needed.	
Antenna Support Structures and Antenna Arrays	All Zones	Tower	May not be located in setback areas.	Criteria for each zone set forth below.	A Washington licensed professional engineer shall certify in writing, over his or her seal, that both construction plans and final construction of the antenna support structures are designed to reasonably withstand wind and seismic loads as established
	UR & R	Tower	Shall be located at a point farthest from lot lines as feasible.	The combined height inclusive of antenna(s) shall not extend more than 15 feet above the maximum height of the	

				zone for which it is proposed to a maximum of 60 feet. A height bonus of 15 feet may be allowed by the approval authority when collocation is specifically provided.	by the International Building Code
	All other zones	Tower	No specific criteria	The combined height inclusive of antenna arrays shall not exceed 85 feet except when collocation is specifically provided for, then the antenna support structure shall not exceed 100 feet.	

50 DESIGN STANDARDS FOR WIRELESS COMMUNICATION FACILITIES

010 Compliance Required

All wireless communications facilities shall comply with the design standards set forth in the following table:

Wireless Communication Facility Type	Zone	Design Standards	Landscaping and Screening Requirements	Additional Standards
Large Satellite Dish Antenna(s)	All zones	Aluminum mesh dishes should be used whenever possible instead of a solid fiberglass type	Required when visible from any street and from the yards and main floor living areas of residential properties within approximately 500 feet of the	Screening shall be provided with one or a combination of the following methods: fencing, walls, landscaping, structures, or topography to block the view of the facility as much as possible from any street and from the yards and main floor living areas

			facility	of residential properties within approximately 500 feet. Screening may be located anywhere between the facility being screened and the above-mentioned viewpoints. Landscaping for the purpose of screening shall be maintained in a healthy condition. To the extent technically feasible and in compliance with safety regulations, specific paint colors may be required for camouflage purposes.
	UR & R	No standard	A Type 1 visual screen (90% solid or more) pursuant to Landscaping Standards shall be required	Visual screen shall be provided as high as the center of the dish. The screening shall be located above the center of the dish and shall be 50% or more to the top of the antenna(s). Evergreen plants shall be used to accomplish year-round screening, and shall be large enough at installation to meet appropriate screening standards.
	All non-residential zones	No standard	<p>Ground Mounted:</p> <p>A Type 1 visual screen (90% solid or more) pursuant to Landscaping Standards shall be required</p> <p>Roof Mounted:</p> <p>Shall be placed as close to the center of the roof as possible</p>	<p>Screening shall be as high as the center of the dish. Solid screening shall be provided as high as the dish if the proposed location abuts an adjoining residential zone.</p> <p>If the dish is still visible from any point within approximately 500 feet as viewed from the ground level, additional screening shall be required to supplement the screening provided by the roof itself. Screening shall be of a material and design compatible with the building, and can include penthouse screening, parapet walls, or other similar screening</p>

Amateur Radio Towers	All Zones	To the extent technically feasible and in compliance with safety regulations, specific paint colors may be required to allow the tower to blend better with its setting	Required when visible from any street and from the yards and main floor living areas of residential properties within approximately 500 feet of the facility	Screening shall be provided with one or a combination of the following methods: fencing, walls, landscaping, structures, or topography to block the view of the facility as much as possible from any street and from the yards and main floor living areas of residential properties within approximately 500 feet. Screening may be located anywhere between the facility being screened and the above-mentioned viewpoints. Landscaping for the purpose of screening shall be maintained in a healthy condition. To the extent technically feasible and in compliance with safety regulations, specific paint colors may be required for camouflage purposes.
	UR & R		Required when view of the antenna(s) base is visible from any street and from the yards and main living floor areas of surrounding residential properties	
	All non-residential zones		No specific criteria	No specific criteria
Base Stations	All zones	Antenna arrays located on existing buildings or other structures shall be screened or camouflaged by use of shelters, compatible materials, location, color, and/or other stealth tactics to reduce visibility of the antenna array as viewed from any street or residential property.	Screening of wireless equipment shall be provided	Screening shall be provided with one or a combination of the following methods: fencing, walls, landscaping, structures, or topography to block the view of the facility as much as possible from any street and from the yards and main floor living areas of residential properties within approximately 500 feet. Screening may be located anywhere between the facility being screened and the above-mentioned viewpoints. Landscaping for the purpose of screening shall be maintained in a healthy condition. To the extent technically feasible

				<p>and in compliance with safety regulations, specific paint colors may be required for camouflage purposes.</p> <p>Any fencing required for security shall meet screening codes in the same manner as applied to screening for mechanical and service areas in RCDG <u>20D.120.20</u>, <i>Screening and Rooftop Mechanical and Services Areas</i>.</p>
	UR, RA-5 & R	<p>Base stations shall be painted a color that matches existing structures or the surrounding landscape. The use of concrete or concrete aggregate shelters is not allowed.</p>	<p>A Type I visual screen (see landscape standards) shall be created around the perimeter of the base station. Operators shall consider undergrounding equipment if technically feasible or placing the equipment within existing structures.</p>	No specific criteria
	All non residential zones	<p>Operators shall consider undergrounding equipment if technically feasible or placing the equipment within an existing structure.</p>	<p>A Type I visual screen (see landscape standards, Chapter <u>20D.80</u> RCDG) shall be created around the perimeter of the shelter. Above-ground equipment shelters for antenna(s) located on buildings shall be located within, on the</p>	

			sides or behind the buildings and screened to the fullest extent possible. Screening of exterior shelters shall provide colors and materials which blend with surrounding structure	
Antenna Support Structures and Antenna Arrays	All zones		Specific paint colors shall be required to integrate the tower through location and design where technically feasible and in compliance with safety regulations.	
	UR& R	<p>The antenna array shall not <i>dominate the structure upon which</i> it is attached and shall be visually concealed utilizing color and compatible material to camouflage the facility.</p> <p>Stealth technology that mimics natural features, such as native trees, shall be employed</p>	<p>Required when view of the <i>antenna array is visible from</i> any street and from the yards and main living floor areas of surrounding residential properties.</p> <p>Within the shoreline jurisdiction, additional screening shall be provided through plantings or double rows of native conifers surrounding the base of the structure. (SMP)</p>	Visual screen shall be provided as high as the center of the dish. The screening shall be located above the center of the dish and shall be 50% or more to the top of the antenna(s). Evergreen plants shall be used to accomplish year-round screening, and shall be large enough at installation to meet appropriate screening standards.

60 SPECIAL EXCEPTIONS

010 Purpose

The purpose of this section is to provide for the granting of special exceptions when adherence to all development standards of this chapter would result in a physical barrier which would block signal reception or transmission or prevent effective communication in all permissible locations.

020 Applicability

- (1) A special exception is required whenever an applicant desires to:
 - (a) Vary from the height, location, or setback limitations on the siting of amateur radio towers; or
 - (b) Locate an antenna support structure within the R-2, R-3, R-4, R-5, and R-6 zones; or
 - (c) Exceed the height limit on a base station; or
 - (d) Vary from the setback, size, screening, landscape, and service area requirements for large satellite dishes in all zones.
- (2) The special exceptions provided in this section do not apply to variations from the International Building Code. A variance pursuant to the Administration and Procedures Chapter of the Zoning Code is required for variations from applicable zoning regulations not described in this section.
- (3) The special exceptions provided in this section do not apply to a request to locate a proposed antenna support structure in the Urban Recreation, RA-5, or R-1 zone or within the shoreline areas of the City or to exceed the height limit for a proposed antenna support structure in any zone. Such requests shall be granted only through the conditional use permit process established under Section 70-100 of the Administration and Procedures Chapter of the Zoning Code

030 Procedures.

- (1) A request for a Special Exception shall be processed in conjunction with the permit approving the wireless communication facility and shall not require any additional application or fees. The final approval authority for granting of the Special Exception shall be the same as that for the permit approving the antenna(s) location.
- (2) Upon review of Special Exception requests, the approval authority shall consider first those standards having the least effect upon the resulting aesthetic compatibility of the antenna(s) or tower with the surrounding environment. The approval authority shall review setback, size, screening requirements, and height limits.

040 Special Exception Decision Criteria.

- (1) The applicant shall justify the request for a Special Exception by demonstrating that the obstruction or inability to receive a communication signal is the result of factors beyond the property owner's or applicant's control, taking into consideration potential permitted development on adjacent and neighboring lots with regard to future reception window obstruction. Pictures, drawings (to scale), maps and/or manufacturer's specifications, and other technical information as necessary, should be provided to demonstrate to the City that the Special Exception is necessary.
- (2) The applicant for a Special Exception shall demonstrate that the proposed materials, shape, and color of the antenna(s) will, to the greatest extent possible, minimize negative visual impacts on adjacent or nearby residential uses and recreational uses in the Agriculture and Urban Recreation zones and shoreline areas. The use of certain materials, shapes and colors and landscaping may be required in order to minimize visual impacts.
- (3) Large Satellite Dish Antenna(s) – Special Exceptions. In addition to the general criteria for approval of Special Exceptions, the following criteria apply to large satellite dishes:
 - (a) Urban Recreation, Semi-Rural, Residential Zones and Shorelines (SMP).
 - (i) Modifications to requirements for setback, size, screening and maximum height limit may be considered by Special Exception. If a Special Exception from the height limit for a ground-mounted dish is requested, the height of the dish shall be limited to a maximum of 18 feet.

- (ii) Only if these modifications would still block an electromagnetic signal shall rooftop location be considered. If a Special Exception is sought to obtain a rooftop location, the diameter of the dish shall be limited to six feet and maximum permitted height shall be 15 feet above the roofline. The approval authority may require the applicant to place the antenna(s) in an area on the roof which takes into consideration view blockage and aesthetics, provided there is a usable signal.
- (b) Other Zones.
 - (i) Ground-Mounted Antenna(s). Exceptions to be first considered shall be from setback, landscape and service area requirements, size and screening requirements. Only if these waived regulations would still block an electromagnetic signal shall a Special Exception from height requirements be considered. If a Special Exception is sought to vary from the height limit, the height of the dish shall be limited to a maximum of 20 feet.
 - (ii) Roof-Mounted Antenna(s). The first exception to be considered shall be the center-of-roof requirement; the second exception shall be from the size and screening requirements, respectively. Only if these waived regulations would still result in a block of the signal shall a Special Exception from height requirements be considered. A Special Exception from the height limit shall be allowed up to a maximum of 20 feet above the existing or proposed structure. The approval authority may require the applicant to place the antenna(s) in an area on the roof which takes into consideration view blockage and aesthetics, provided there is a usable signal and structural considerations allow the alternative placement.

Additional Requirements for locating or exceeding height limits in UR, RA-5 R-1 or shoreline areas; or proposals to exceed height limits in residential and non-residential zones

- (1) An applicant will be required to provide an evaluation of alternative sites during this process.
- (2) An amplified public involvement process shall be required and shall be conducted and paid for by the applicant. The purpose of the public involvement process is to involve the persons within the zone of likely and foreseeable impacts, and to determine potential mitigation measures that would make siting of that facility more acceptable.
 - (a) The applicant shall propose an acceptable public involvement plan to be reviewed and approved by the Director.
 - (b) The public involvement process shall be initiated within 45 days of the issuance of a notice of application.
- (3) In addition to meeting the CUP decision criteria, the following criteria shall be used to make a determination on the application

- (a) The impact of the facility including the design and operation on the surrounding uses, the environment and the City has been minimized;
- (b) The proposal considers possible incentives that can be developed which would make siting the facility within the community more acceptable

70 TECHNICAL EVALUATION

In addition to the specific technical evaluations required in this chapter, whenever the Administrator determines that technical expertise, evaluation, or peer review is required in order to determine whether an application meets the requirements of this chapter, the Administrator may require that an applicant provide such expertise, evaluation, or review at the applicant's expense, or the Administrator may obtain such expertise, evaluation, or peer review on the Administrator's own and may require that the applicant pay the cost of such expertise, evaluation, or review.

80 CESSATION OF USE

An antenna support structure or base station shall be removed by the owner if operation of the same ceases for a period of 12 consecutive months, or if the facility falls into disrepair and is not maintained. Disrepair includes structural features, paint, landscaping, or general lack of maintenance which could result in safety or visual impacts. Whenever a facility ceases operation or falls into disrepair as provided in this section, the entire facility shall be removed, including but not limited to, all antennas, antenna supports, feeder lines, base stations, electronic equipment, and the concrete pad upon which the structure is located. All permits issued for antenna support structures and base stations under this chapter shall be conditioned upon removal as required in this section.

Exhibit C

PERFORMANCE ASSURANCE

DEFINITIONS

“M” Definitions.

Mandatory or Required Right-of-Way Dedications and/or Transportation Improvements.

Such dedications and/or transportation facility improvements required of a development by the City of Redmond as a condition of development approval.

“P” Definitions.

Performance Assurance

A form of financial security posted to ensure timely and proper completion of improvements, to ensure compliance with the Redmond Zoning Code, and/or to ensure compliance with land use permit approval conditions. Performance assurances include irrevocable letter of credit, cash deposit, and surety bonds, and or other forms of financial security acceptable to the Administrator. For the purposes of this title, the term performance guarantee is synonymous with performance assurance.

“W” Definitions.

Warranty Assurance

A form of financial security posted to warranty the quality of materials or workmanship of improvements constructed as a condition of land use permit approval, or to warranty survival of landscaping. Warranty assurances include irrevocable letter of credit, cash

Exhibit C – Performance Assurance

deposit, and surety bonds, and or other forms of financial security acceptable to the Administrator. For the purposes of this title, the term maintenance guarantee is synonymous with maintenance assurance.

Exhibit C – Performance Assurance

Exhibit C
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Resolution No. 1343
AM No. 10-220

Performance Assurance

- 10 Purpose.
- 20 Applicability
- 30 General Standards
- 40 Performance and Warranty Assurance Standards for Improvements, Landscaping, Tree Protection, Tree Replacement, and Critical Areas

10 PURPOSE

The purpose of this chapter is to establish the requirements for the posting of performance assurance and warranty assurance in order to ensure timely and proper completion of improvements, to ensure compliance with the Redmond Zoning Code, to ensure compliance with land use permit approval conditions, warranty the quality of materials or workmanship of improvements constructed as a condition of land use permit approval, or to warranty survival of landscaping.

20 APPLICABILITY AND EXEMPTIONS

- (1) *Applicability.* The provisions of this chapter apply whenever any provision of the Zoning Code requires the posting of performance assurance or warranty assurance in connection with any land use permit approval, including but not limited to, land division approvals, land use permit approval conditions, landscaping plan approvals, tree protection, tree replacement, and critical areas mitigation.
- (2) *Exemptions.* State agencies and local government entities, including special purpose districts, shall not be required to secure the performance or warranty of permit or approval conditions with a surety bond or other performance or warranty assurance device. These public agencies are required to comply with all requirements, terms and conditions of the permit or land use permit approval, and to provide a letter committing to completion of the improvements.

30 GENERAL STANDARDS

- (1) *Requirements.* Whenever a performance or warranty assurance is required by any provision of the Zoning Code or by any condition of land use permit approval, the performance or warranty assurance shall meet the general standards set forth in this section as well as the specific requirements set forth in Section 40 below.
- (2) *Performance Assurance.* The applicant shall provide an estimate of the costs of the improvements, landscaping, tree replacement, or other conditions of land use approval to be secured by the performance assurance. The Administrator shall review the estimate and shall use the same to calculate the required performance assurance amount if the Administrator deems the estimate to reasonably reflect the anticipated costs. In the event that the Administrator disagrees with the estimate, the

Administrator may use the City staff's best estimate of the actual anticipated costs to calculate the required performance assurance amount.

- (3) **Warranty Assurance.** The amount of the approved warranty assurance shall be not less than 10% of total construction costs.
- (4) **Form.** All performance assurance and warranty assurance devices shall be in a form approved by the Administrator and City Attorney. All surety companies shall be authorized to conduct surety business in the State of Washington. No individual sureties shall be allowed.
- (5) **Release.** A performance assurance shall not be released by the Administrator unless and until the required performance has been completed and accepted by the City and the required warranty assurance, if any, has been provided. A warranty assurance shall not be released by the Administrator unless and until the work has been inspected and accepted following the warranty period.
- (6) **Enforcement.** The City may enforce the performance and warranty assurances required by this section according to their terms, pursuant to any and all legal and equitable remedies available. Any performance or warranty assurance is subject to enforcement by the City in the following manner:
 - (a) In the event that performance is not completed as required, or a warranty assurance is not furnished as required, or defects have been identified during the warranty period, the Administrator shall notify the applicant and the guarantor in writing, which shall set forth the performance that is incomplete, or the specific defects which must be remedied or repaired, and shall state a specific time by which such actions must be completed.
 - (b) In the event that the performance is not completed, or the defects are not remedied or repaired by the specified time, the City may proceed to perform the work either by force account, using City forces, or by private contractor. Upon completion of the work, the cost thereof, plus interest at the rate of 12 percent per annum, shall be due and owing to the City from the applicant and the guarantor as a joint and several obligation. In the event that the City is required to bring suit to enforce maintenance, the applicant and guarantor shall be responsible for any costs and attorney's fees incurred by the City as a result of the action.

- (c) In the event that the performance or warranty assurance is in the form of a deposit of cash held by the City, the City may deduct all costs set forth in this subsection from the cash on deposit and the applicant and guarantor shall be required to replenish the same for the duration of the assurance period.

40 PERFORMANCE AND WARRANTY ASSURANCE FOR IMPROVEMENTS, LANDSCAPING TREE PROTECTION, TREE REPLACEMENT, AND CRITICAL AREAS

- (1) Land use permit applicants shall post performance and warranty assurances as required in the Table below:

Assurance Type	Performance Assurance Amount	Performance Assurance Period	Warranty Assurance Amount	Warranty Assurance Period	Specific Standards
Improvements required as a condition of land use permit approval	Not less than 150% of the estimated cost of construction of installation, provided, that the City Engineer or Administrator may set a higher amount based on complexity of the project.	Subdivisions - 3 years after final plat approval. Other land use permit approvals - as required by condition.	As determined by City Engineer based on complexity of project, but a minimum of 10% of total construction costs.	1 year	Subdivision improvement performance assurance must be furnished prior to recording of final plat. Performance assurance for other land use permit approvals must be furnished prior to final approval. Warranty assurance must be posted prior to City's acceptance of improvements or determination of compliance with condition of approval.
Landscape	150% of cost of plant materials, irrigation, fertilizing & labor	1 year	10% of the Performance Security	1 year after installation	None
Tree Protection	150% of City's Tree Base Fee for each protected tree	5 years	N/A	N/A	Prior to issuance of the certificate of occupancy, any protected tree found to be irreparably damaged,

Exhibit C – Performance Assurance

					severely stressed or dying shall be replaced according to the standards identified under Section ____ of the Zoning Code, Tree Protection
Tree Replacement	150% of cost of plant materials, fertilizing, pruning & labor	1 year	150% of cost of plant materials, fertilizing, pruning & labor	3 years	In the event a required replacement tree becomes irreparably damaged, severely stressed or dies, the tree shall be replaced according to the standards in Section ____ of the Zoning Code, Tree Replacement
Critical Area Mitigation	125% of cost of mitigation project (installation, maintenance and monitoring)	5 years	N/A	N/A	The security may be reduced in proportion to work successfully completed over the security period which shall coincide with the monitoring period and may be extended if the mitigation project does not succeed. A contingency plan for mitigating the impacts of the functions and values of the critical area shall be established in the event that the mitigation plan fails.